

**MINUTES
P & Z COMMISSION HEARING**

November 20, 2008

**ATTENDANCE
P & Z Commissioners**

ATTENDED

1. Wendell DeCross
2. Ruth Ann Smith
3. Robert Ingels
4. Jason Hatch
5. Bob Hall
6. Joel Lawson

Staff Attendance

1. **Bill Fraley**
2. **Linda Elliott**
3. **Homero Vela**
4. **Dave Swietanski**

ABSENT

Tom Thomas
Carol Davis
Rick Slone
Evelyn Meadows

5. **Trent Larson**
6. **Alberto Peshlakai**
7. **Peggy Saunders**

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:06 p.m. to 9:23 p.m.

Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order and then led the Pledge of Allegiance. Mr. DeCross said the Commissioners really appreciate everyone being here, and look forward to your input. He explained the meeting procedures to the public, the housekeeping rules and conduct for all participants. Since there are a large number of people present, we want to make sure we don't start talking over someone else so that you will be able to hear, and the Commissioners will be able to hear each of your comments. This is a hearing and as such we need to maintain decorum, and we would ask that all comments be directed to the commissioners, because they will be the ones making the decision. The order of the Agenda was changed, since the last two items will probably proceed much more quickly. We will address Item #2, a Tentative Plat Approval, and then item #3 a Zone Change. Item #1 the Special Use Permit will be heard last.

Item #1 – TENTATIVE PLAT: Discussion and possible Commission action on a request by Pacific Holt Corporation, Agent John Gurrola for a Tentative Plat application for the proposed Mesa Hills Estates, a planned single family development on the subject property known as APN: 109-33-040B; and portions of 109-33-040A, 109-01-005, 109-31-010C, 109-31-010E, in Township 17 and 18 North Range 20 East, Sections 4, 33, and 34, in the Perkins Valley area.

Linda Elliott presented the staff report on the Tentative Plat for the Pacific Holt Corporation project located in Perkins Valley on the north side of Interstate 40 near Holbrook. Ms. Elliott pointed out the location of the proposed subdivision, in conjunction with the Leroux Wash, and Interstate 40 on an aerial map. There are 265.3 acres with 196 residential units, from 43,560 sq. ft. up to 186,091 sq. ft. The roads will be public and paved, the sanitation for the sewer is provided by the City of Holbrook, with no variances requested. The Department of Public Works Engineering staff stated that all items of concern have been addressed and they agree that the Tentative Plat can be approved, subject to the recommendations and conditions being met. Flood Control Staff has reviewed the D-Firm map dated 9-26-08 and a small portion of this development is in the Flood Plain created by Leroux Wash. The various parcels associated with this development, are located on FEMA maps 3337E and 3336E. The Tentative Plated dated 10-27-08, shows that parcel 183 through 188 are in the Floodplain Zone A, which is an approximate 100 year floodplain that has been determined by FEMA. The Flood Control Staff doesn't have any objections to the Tentative Plat, given that the recommended conditions are met. The Planning and Zoning Department has completed its review and found that the Tentative Plat adheres to the previously approved Master Site Plan, and it meets the requirements of a Tentative Plat. Should the Commission grant this Tentative Plat request, staff recommends the conditions be applied as stated by staff.

Applicant/Developer: **John Gurrola**, with Pacific Holt Corporation said this project would be good for the community and complimented the Navajo County staff for their help in working with their engineers so things can move forward. Mr. Gurrola and Pacific Holt's engineer are available to answer any questions the Commissioners may have concerning the project.

In Favor: **Jerry Paschal**, the land owner who made the land trade with Pacific Holt for this development, felt it would be an attractive development, as well as much needed housing for the area. Pacific Holt's concept and design plan was very well done, and her entire family is in favor of the project. Pacific Holt has shown them that they follow through with their promises.

Opposed: No one from the public came forward in opposition of the Tentative Plat.

Commissioners Comments: Robert Ingels said that as this project has moved forward and we have had good compatibility with the Staff, the Developer, and the Commission, and within a year's time, we are back with a Tentative Plat. As a Commissioner, he appreciates everybody's efforts, in this and he is prepared to make a motion to go ahead and recommend approval of the Tentative Plat. With no other Commission discussion, Robert Ingels made a motion to approve the Tentative Plat subject to the conditions that are called for by the Public Works Department numbered one through eight, as outlined by staff. **Recommended Conditions:** *1. All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction Improvement Plans and Grading Plans). 2. A Floodplain Study shall be submitted for approval showing the delineation of the floodplain, floodway, and base flood elevations. The Final Plat associated with this Tentative Plat shall delineate the floodplain and floodway boundaries and include reference to the NAV Datum 1988. Base Flood Elevations shall be identified on each buildable parcel that is inside the 100 year floodplain on the Final Plat. 3. No later than 6-months after the drainage improvements are completed, the developer shall submit for a Letter of Map Revision (LOMR) to FEMA. 4. The Army Corp will be consulted, by the developer, whenever the jurisdictions of Waters of the United States are in question. Documentation shall be provided with the Final Plat indicating Corps notification of the jurisdiction. 5. Detention basin requirements need to be established for this development and additional details for the drainage system will be required with the improvement plans. 6. The Final Traffic Impact Analysis and Final Drainage Report shall be approved by the Engineering staff prior to scheduling the Final Plat before the Board of Supervisors. 7. All required offsite improvements identified in the TIA (Traffic Impact Analysis) or Master Drainage Plan shall be constructed or financially assured prior to scheduling the Final Plat before the Board of Supervisors. 8. The Tentative Plat approval is conditional upon applying for a Final Plat approval within a 24-month period from the date of the Tentative Plat approval. If the Final Plat submittal is not in place within this time period and if an extension of time is not requested from the Planning & Zoning Commission, the Tentative Plat will expire and become invalid.* Jason Hatch seconded the motion. The motion was unanimously approved with a vote of 6 to 0.

Item #2 – ZONE CHANGE: Discussion and possible Commission action on a request by Snowflake Farms, Inc., Mark Caldwell for a Zone Change from RU-20 zoning classification to I-2 zoning classification to allow for an industrial area that will be away from urban areas of the County, on the subject 38 acre property known as APN: 110-03-011 in Township 15 North, Range 21 East, Section 9 of the Gila and Salt River Meridian located at 6849 Feedmill Road, in the Snowflake area.

Linda Elliott presented the staff report and pointed out Highway 277, Feedmill Road and the railway that goes back to the Feedmill. The area is 14 miles north of downtown Snowflake, and about 13 miles south of Holbrook, west of Highway 77 on Feedmill road. The parcel size is 38 acres, and the property and the surrounding properties are all large parcels which are all zoned RU-20. The area is generally rolling hills with scrub brush in the grass land. There are a few Juniper trees for vegetation, and most of the parcels are vacant. There is one house which is about one mile away from the northerly lot line of the parcel. The predominant use is farming including the Feed Mill for Pigs for Farmer John. The subject property has existing feed barns on the property that are not in use. We are requesting a change in the zoning classification from R-20 zoning classification to the I-2 zoning classification to allow for an industrial area that will be away from urban areas of the County. This would have an impact such as dust on the existing dirt access, Feedmill Road, and a full build out could result in modification to the access off Highway 77. Heavy Industrial uses are proposed instead of the Rural Zone and Agricultural Zone uses. Engineering Staff doesn't have any issues with this zone change. Flood Control staff has no objections to the proposed zone change, the FEMA Map 3800E does not indicate any flood hazards in the area for this parcel. A public meeting was held for concerned citizens on October 23, 2008 at 7:00 p.m. in this Boardroom, and Snowflake Farms spokesman David Mills addressed the questions from the public. Snowflake Farms hopes to rezone the property to allow Heavy Industrial zoning. The parcel is located two miles east of the entrance to PFFJ Feed Mill site, and there is an APS substation within the gate entrance. The prevailing winds in the area should alleviate some of the odors from the majority of the community, and staff agrees that this is an appropriate site for Heavy Industrial Zoning. Ms. Elliott pointed out the existing barn structures on the property. Bill Fraley addressed the Commission regarding the copy of a newspaper article in the Holbrook Tribune, and wanted to clarify that the article stated that Tri-Western was no longer interested in the Snowflake Farms property, and have relocated their Tri-Western Meat Packing Plant outside of Navajo County.

Applicant/Developer: David Mills represented Snowflake Farms, and said the owner is trying to rezone the property for Industrial Use to have better luck in selling the property. Mr. Mills acknowledged the article referred to by Bill Fraley, and said they realize that the Tri-Western Meat packing company had no further interest in the property. They want the zone change for marketing purposes, not for that particular use for a Meat Packing Company.

In Favor: Mark Caldwell, owner of property said they had talked with Tri-Western, but with the opposition shown in both Holbrook and Snowflake to their proposal, they withdrew their interest in the site. Mr. Caldwell also felt this would be a more marketable property as a Heavy Industrial site. They were in on building the roadway to the original Snowflake Farms and the current Farmer John site; the property already has 3 phase power with an APS substation nearby, telephone, and the Railroad, as well as being halfway between Snowflake and Holbrook so it is in a good location as far as the density of the population. Mr.

Caldwell also sold the property to Farmer John just two miles from this property. The lack of density makes it an ideal place for an industrial zoned property. Mr. Caldwell encouraged others who own property in the area to market their property in a similar fashion. He is in favor of this zone change and feels this would be beneficial to Navajo County and Snowflake Farms. He said that he could put hogs back in there, but agreed that they don't want to do that because of the disease concerns of PFFJ (Pigs For Farmer John). They want to work with their neighbors to make this a viable option for everybody.

Opposed: Dr. Brett O'Brien introduced herself as one of the staff veterinarians for PFFJ (Pigs for Farmer John); a state-of-the-art livestock operation which raises hogs in a remote area between Snowflake and Holbrook, west of Highway 77. PFFJ is one of the largest employers in Navajo County with 160 employees and a payroll approaching \$6 million annually. The Farm purchases about \$4 million in supplies and services from hundreds of Arizona vendors and pays more than \$260,000 in property taxes per year. Dr. Mike Terrill and Dr. Don Davidson, who are well known to Navajo County leaders and highly respected within the Veterinary Medicine Community, are both out of the country on business, or they would have been at this meeting to add their concerns to the proposed rezoning of the 40 acre parcel adjacent to PFFJ's farm. The land is zoned for agricultural use, and it should remain so. Re-zoning it for industrial use, for the development of a meat packing plant would pose a significant health risk to PFFJ's herd, and thus could threaten our business, as well as the livelihoods of our employees and their families. PFFJ was established in 1992 in its current location specifically because the property is so isolated and the surrounding properties are zoned for agricultural use. Aside from the long tradition of cattle ranching operations in the area, which pose little health risk to swine, there are no farming or industrial operations nearby. The issue with the establishment of a packing plant on the parcel in question is not whether disease will be transmitted to our herd, but when. The packing plant would receive market hogs from multiple sources of unknown health status, creating a significant health risk to our herd. The diseases pigs carry can be spread via the air, on people, vehicles, and equipment and although it's impossible to say how soon disease would be transmitted to PFFJ's herd, we do know that day will inevitably come. We work hard to protect our herd from potentially devastating diseases like porcine reproductive and respiratory syndrome and APP lung diseases that can spread quickly among pigs, and flu, for example. PRRS alone costs the U. S. Swine industry more than half a billion dollars a year. A catastrophic disease outbreak could require that we re-populate the entire herd, which includes 14,000 market pigs. Re-populating the herd would cost millions of dollars, leaving PFFJ with few options, not the least of which would be the potential closure of the business. Such drastic circumstances would put at risk the livelihoods of our employees and their families. Throughout the Farm's 16 year history, PFFJ has maintained high health status among its animals by virtue of the farm's remote location and adherence to extensive bio-security policies. We urge the commission to reject the rezoning proposal and avoid taking any action that will put our animals at risk and potentially destroy a thriving local business. This issue is of critical importance to the well-being of our animals, our employees and many others who have a stake in PFFJ's continued success. Dr. O'Brien offered to answer any questions the Commissioners may have.

Steve Winter, the property owner who owns the land that surrounds the parcel, said he read about the item in the Holbrook Tribune, and he wanted to take a couple of extra minutes because he drove up from Mesa, and because gas is so expensive, he would like to get more words per gallon. He felt it was ironic because he just got back from Washington D.C. speaking before a bunch of congressmen, and now here he is in Holbrook, and feels this is just as important. Mr. Winters said he was pretty irritated, and was glad Mr. Caldwell was here because he doesn't like talking behind someone's back. Everybody knows that this land is worthless, he (Mr. Caldwell) can't sell it, so he's just threatening a hog farm. Its old news to extort them, (PFFJ) to buy the property. He was successful in his other little farm there, but finally the Hog Farm said "enough". What he wants to address too, against Industrial Zoning, is the pictures you didn't show up there was the two pictures of the old abandoned hog farm, that in the White Mountains looks like a holocaust, if you've ever been up there, it's the most disgusting, embarrassing property you have ever seen in your life. He feels that at first he didn't want to come up here because he felt it was a waste of time. Everybody told him after he bought the land up here (560 acres), and the 340 acres over by Hay Hollow; that he was in trouble with the "good ole boy" network up there. He told them it couldn't be that bad, unless you're a guy named Mark Caldwell who has this property that again looks like a holocaust, atom bomb, and cesspool. Mr. Winter went to the Planning & Zoning Office and talked with some guy you talk to when you have a zoning problem, or whatever, to complain about, (A Code Enforcement Officer) a year and a half ago. He thinks he is a pretty patient guy, and understands the White Mountain Building is backlogged, but a year and a half later, even though they have violations sent to Mark Caldwell, he never cleans it up, and that is the reason you should deny his zoning change. Mr. Winter further stated, first of all the guy is not a good neighbor, he can't clean up his own thing, now can you imagine that as an industrial area. While he is in favor of the farm up there, they're no better either. Their farm is disgusting, it has signs of rabies on it, and what Farmer John says is that they don't have enough money to clean it up. How would I be if in my neighborhood (a nice neighborhood in Mesa) I left an old car on the street, but I couldn't move the car because I didn't have enough money? The bottom line is why do I come up in front of the Commission if nothing is enforced anyway? Is Mark Caldwell going to get his zoning because he has fifty cousins? All he knows is that he has two areas, and he welcomed the Commission to drive up there, and see how disgusting it looks. **Wendell DeCross** assured Mr. Winter that many of the Commissioners do go out and visit the properties before these hearings, including him. Mr. DeCross did visit the site, so he didn't need that explained to him. **Mr. Winter** continued by saying, you come up here and fill out all the papers, you do all the right things, and they never clean the property. What do you do? It is not a friendly environment to invest up here. He has talked to a bunch of people at Wal-Mart, and he sees why the people

are pulling out, they get frustrated. All I've asked the guy to do is to clean his property, and he said, no, nobody can tell me to do it, I don't care what the Commissioners say. Even for that, I would ask that you deny the zoning and to look into maybe cleaning up that thing? Enforcing the rules, that's all Mr. Winter is asking.

Staff Comments: **Bill Fraley** addressed Mr. Winter's complaint that he filed, and said he talked with Mr. Winter and the Code Enforcement Officer informed him that he sent a certified letter to Mr. Caldwell, obviously to the wrong address, but it came back unclaimed, unfortunately the Code Enforcement Officer didn't follow up to get another address, so the case has been reopened and he will be pursuing the case, and we will be talking to Mr. Caldwell about that. **Mr. Winter** disputed that, because he said everybody knows that Mark Caldwell lives in the biggest house in Snowflake, you can't miss it; he doesn't believe it went to the wrong address, just for the record. **Mr. Caldwell** responded, that was his cousin's house. **Dr. O'Brien** said she also wanted to respond to Mr. Winter's disparaging comments, on behalf of PFFJ. There are abandoned buildings on the same road, and there are capital expenditures in place to remove those, but as many of you in agriculture are aware the cost of corn, and whatnot in the last two years has prevented them from moving ahead with that, at the speed with which we would like, but plans are in the works to remove those buildings.

Commissioner's Comments: **Robert Ingels** said he would appreciate some discussion, including staff, on the Comprehensive Plan. We are in an area where it is zoned all RU-20 lots, with the predominant uses which presently are all agricultural. An approximate 40 acre site that would go industrial, based on our recommendation that would carry through to the Supervisors, at what point do we address the thought of creating "spot zoning"? Because the Industrial Zone uses that are allowed in the I-2 zoning go way beyond what has been occurring in those sites. He is concerned that we would grant those specific uses by recommending rezoning, unless we have the documentation within the Comprehensive Plan that this is an appropriate area for that use. **Bill Fraley** said it is in the General Plan, as Mr. Ingels said, as Rural-20, there is farming, farm uses and such out there, but he thinks that the fact that the pig farms are already there, and not to knock pig farms, but we all know they can be a little smelly so that sets the stage for more industrial type uses than it would for residential. That is one of the primary reasons we feel that industrial type uses are already started in the area, and that is why staff is not against this. **Robert Ingels** said he could understand the raising of animals, and the harvesting and all of the products that are of an agricultural nature, but when he looks at the uses that would be allowed in an Industrial Zoning and he realized that at this point we have not received any specifics on what the intended use might be for that forty acre parcel; it was suggested that this might be a marketing tool to be a catalyst for the expansion of industrial into this area. Things like explosives manufacture or storage, fuel, or automotive graveyard. These are the most intense and least desirable of neighboring uses to most other properties that are allowed to go on an I-2 Zoning District. This is a very important decision for recommendation that's made when we don't have a use specified other than all those uses in the I-2 Zoning which would be allowed on this site. In some ways we look at Special Development or a Special Use Permit when there is a use that seems appropriate for a site. That is not on tonight's agenda, but the thought of creating a new I-2 Zoning in this area when there is nothing around it at this time, he doesn't have the comfort level, he wished he did. **Joel Lawson** agreed with Mr. Ingels to a certain extent, however, somewhere in America we have to provide for people to produce things so we are not just consumers. There are a number of pig farms in the area that are no longer in business because disease swept through this area, and it was a tragic thing. According to statements made, that is not the use that is going to happen there anyway, but on the other hand you could put another pig farm next door that would carry the same disease concerns. We are very concerned about disease control, because PFFJ is a big industry for our community. However, this might be a good area for other industrial uses because of the location. **Robert Ingels** asked what caused the epidemic in 2000, and if there are ways to minimize that possibility. **Dr. O'Brien** responded that disease is what put a lot of the pig farms out of business. In 2000 there was one new strain of PRRS introduced to the farm which was so devastating they had to re-populate the herd which cost over \$8 million dollars. A pig farm coming close by causes a great risk, but a meat packing plant poses the greatest risk because of the multiple sources of pigs with unknown health status and who knows what they are carrying. You have the risk of not only the animals on trucks on the same roadways that we share; the same people in the community cross contaminating. We have our Feed Mill adjacent to that, which serves as a critical dissemination point to all contact points on our farm. Even though we have heard that there is no intent at this time, in the past we heard a meat packing plant or hog farm could be going in at that location. **Joel Lawson** asked if it was just the meat packing plant that disturbs Dr. O'Brien or could the property be used for other industrial uses? **Dr. O'Brien** said that the Meat Packing plant would be the number one threat. It is correct that another pig farm would pose a threat but nowhere near the threat of an industrial meat packing plant. **Mr. Lawson** said staff could correct him if he was wrong, but he was pretty sure they could put in a pig farm without much difficulty, and without having to go through this process, Mr. Lawson asked Dr. O'Brien if it would make a difference if the Industrial Zoning were granted with the *exemption* of a pig farm or a packing plant. **Dr. O'Brien** answered, that option would be more suitable. **Jason Hatch** asked for more of an explanation from Mr. Caldwell as to their intentions on the site. **Wendell DeCross** inserted that when Commissioners are granting a Zone Change, they have to take into consideration that they are *"granting a Zone Change"* even though the applicant says they will do this with the property, they can put anything in there that would fit within that Zoning Ordinance. It doesn't limit them to what they say they want to put in there. **David Mills** said that obviously they don't want to damage Farmer John at all, they have a tremendous industry here, and they provide many, many jobs to the area; and that is the last thing they would want; to damage them in any way. Mr. Mills wanted to ask Dr. O'Brien a few questions, such as how far a disease

could travel through the air, since they are about three miles from the actual farm itself, and one to two miles from their feed mill. He added that this property is an existing pig farm, and if the Caldwell's wanted to bring pigs in tomorrow, they could. It has been a pig farm for many years. He also wanted Dr. O'Brien to talk about the PFFJ facility in down town Los Angeles, the ones with the "pretty" pigs on the side of the building which is about a mile from a school and a housing development. Another comment Mr. Mills wanted to make, was that PFFJ is opposed to this because they are one of the largest meat packing plants in the country. He's not saying they are putting a meat packing plant in there, but if someone was going to put in a retail store across the street from another retail store, that original store is not going to be happy about it just because of the competition. **Wendell DeCross** said when he looked at the property he didn't see any pigs on the place. **Mr. Caldwell** confirmed that there are no pigs there. **Dr. O'Brien** responded to Mr. Mills question on how far diseases can travel by air, and said some of the devastating diseases such as PRRS have been shown to travel anywhere up to a five mile proximity. She pointed out that the feed mill is less than one mile from where these farms are located, which is a central point of dissemination for their trucks, and all their farms, so this would serve as a critical risk for cross contamination. In response to the question from Commissioner Lawson, if this wasn't a meat packing plant, or if those restrictions were put in place, and another industrial facility was placed there, the other question or concern that arises from a bio-security standpoint, is the sheer number of people now in a secure area as we try to maintain security around the farm. There is more room for error by employees to cross those boundaries and disseminate or spread a disease there as well. **Joel Lawson** said part of the reason he asked that question was, at a certain point you've got to say just because the pig farm is there, doesn't mean that everybody's land around it cannot be used. **Dr. O'Brien** agreed, and said that right now it is used for cattle and crops. Some diseases are known to stay in the environment and survive for more than four months, through cold weather, and wet damp conditions, but primarily cold weather, so they can travel on vehicles on these shared roadways, and can be bringing in stuff off the tires, where the cross traffic is. **Lance Payette** added as point of clarification, the RU-20 Zone Ordinance does allow farms but is defined very broadly and encompasses livestock, swine and any typical farm animals, so they could have a farm on that property. **Jason Hatch** asked **Dr. O'Brien** if they determined what caused the disease in 2000 and **Dr. O'Brien** answered that it was the introduction of an outside semen source, so there are multiple routes from an external bio-security standpoint that you take to prevent these diseases from entry into your farm. It is a matter of risk analysis, where the biggest risk is posed, but the number one risk is a meat packing plant, or slaughterhouse for their high intensive rearing operation. **Jason Hatch** reiterated that there are multiple ways this could happen, not just by the existence of a meat packing plant. **Wendell DeCross** visited the PFFJ farm many years ago, and they go to great lengths to protect against disease. He went on a tour with a Chamber of Commerce group, and in order to go into the actual pen area, they had to take a shower going in and out of the pen area. **Mr. DeCross** referred to a memo written by Lance Payette regarding "spot zoning" and quoted; *"although courts throughout the nation differ in their specific approaches when reviewing spot zoning claims, the majority consider: Item 1. The size of the parcel subject to rezoning. Item 2. The zoning both prior to and after the local government's decision. Item 3. The existing zoning and use of the adjacent properties. Item 4. The benefits and detriments to the land owner, neighboring property owners, and the community resulting from the rezoning. Item 5. The relationship between the zoning change and the local governments stated land use policies and objectives."* **Wendell DeCross** asked staff if there was any other industrial zoning in the area. **Bill Fraley** answered no, when asked where the closest industrial zoning was located, Mr. Fraley answered, the only Industrial Zoning in the County is near the Cholla Power Plant in Joseph City, parcels near Winslow, and some just north of the border line of the City of Show Low. **Jason Hatch** pointed out that these same gentlemen were before the commission a few months ago, and a meat packing plant closer to Snowflake was approved, then later it was shut down. This is even further out of town, so what are these people going to do? They have property and are not able to do anything with it. **Bill Fraley** said, no pun intended, there was such a "stink" raised about it, at the public meetings held in Snowflake, it was strongly suggested they move the site out exactly where this parcel is located. Mr. Hatch was correct; they did end up withdrawing that request, based on the opposition. **Joel Lawson** asked when planning an industrial zone, would the fact that the railroad tracks are already there make it a good place for that type of industrial zoning? **Bill Fraley** answered yes it would. The location is almost equally distanced between the town limits of Holbrook and Snowflake and does not have a lot of residential area. If we are establishing new zoning for industrial, this has pretty good access just off the highway, and with the current use going on (PFFJ) which is somewhat obnoxious, it makes it an ideal location for Heavy Industrial Zoning. **Robert Ingels** said if this is considered spot zoning to grant one specific owner with a total of forty acres, Industrial Zoning, and this is such an appropriate place for industrial zoning because we have a rail head and it is away from populated areas, we shouldn't be granting the privilege to just one land owner. We are attempting to establish a use that has not been in that area and it would seem the responsible thing to do is to look at the bigger picture and try to do the right thing for the greater area and not limit a recommended industrial zone to one particular parcel, based on one applicant's request. This is where some of the issues may not seem that major, in the little picture, but we have an adjoining land owner with a much larger amount of acreage requesting that we don't recommend the change. If he was part of the request, realizing that there is a plan that is calling for this to become an industrial center, and everybody is on board with moving ahead or at least with a majority consensus, that would be a more sensible approach than making just one parcel industrial. **Lance Payette** said, the larger point made by Mr. Ingels regarding the controlling document, (which is very easy to lose site of), is the General Plan. If in fact an area is no longer appropriate, for what the general plan says that it is, the proper way to address the situation is through a General Plan Amendment; which is a very elaborate process

with a lot of public input. Based upon what he is seeing here tonight, with the surrounding area being residential this would be classic spot zoning. **Steve Winter** said that if this area is zoned industrial, his plans are pretty much done, who would want to put a house or a little ranch next to an industrial area. He went on to say, that the land owner has a right to do something with the property, but the land owner must also obey the laws, and for a year and a half Mr. Caldwell has ignored all the zoning letters, doesn't he have an obligation to live up to the expectations, and if the County doesn't do anything what recourse does he have, can he go to the state level, or federal level to enforce the laws? Why should one guy break all the rules, because he knows people here, and his family grew up here, **Lance Payette** interjected, that is not the way the County operates, he has been here twelve years, and has never heard of this gentleman. We enforce criminally and we enforce civilly, and it isn't uncommon to have the wrong address. You do have a right through Arizona Statutes to individually enforce the zoning ordinance. **Mr. Winter** said, this may just be his perception, he has a house in Pinetop, and if someone is in violation they act on it. He is just bewildered that a year and a half later the property is still looking like a "combination atom bomb and holocaust museum septic" area, and he has done nothing, with the excuse that they can't find an address, he feels we should suspend all this until he cleans up his property. Because if he can't clean up the property, why should we let him have Industrial Zoning. **Wendell DeCross** told Mr. Winter that he appreciates what he is saying, and as a matter of fact, his spouse was once a Code Enforcement Officer, and she worked very hard following the rules and making sure that people cleaned up their property. As Chairman of this Commission, he takes exception to the "good ole boy network" comment made by Mr. Winter. He does not know Mr. Caldwell; has never met him, and stated on behalf of the Commissioners, that they are not ruled by "good ole boy" standards, they act on what they believe to be the correct course of action for the situation. This would not be the first time the Commission has done something, and the County Supervisors have done something in the opposite direction. **Mr. Winter** apologized to the Commission, but the perception is strong that, only if you happen to be one of the Caldwell's can you get away with having a property so disgusting for so long. **Mr. DeCross** appreciated his input, but that is not the point of this hearing, we have to decide if we are going to do a zone change and that is the point they are investigating. **Jason Hatch** said we don't want to hurt PFFJ, he feels they are a great industry, and he struggles with things like this because there are always two sides to every story. Each one has property rights, and the last thing he wants to do is hurt PFFJ. Since staff has looked this over and feels it is in line and in accordance to rules, he has a hard time going against what staff has presented and recommended. **Robert Ingels**, in reviewing other municipalities and some of the requirements they have regarding public participation, often times there is a much higher level of involvement, and seeing that there was a meeting held here where six participants attended, and we were given a briefing of what went on, he feels the responsible thing to do, (if this is an appropriate I-2 Zoning then) is to show more due diligence in looking at transportation issues. There is a dirt road going into a forty acre parcel, whose financial responsibility will that be. Will it be Navajo County's, or will it be the developer as the platting process moves ahead. He is not prepared to enter into those kinds of discussions, and before he would recommend rezoning in that location because of the remoteness, he feels the issue deserves more investigation. **Jason Hatch** responded that he understands what Mr. Ingels is saying. He would have a hard time believing the public would be responsible for maintaining a road that is going to be used industrially by these people, and that is not the issue tonight. We just need to figure out if they are in accordance with rules as set, and as they are presented by staff. **Bob Hall** expressed his concerns for giving carte blanche to any type of industry. He would rather know what specific type of industry would be courted. **Joel Lawson** said that when we do a zone change, we are deciding if this an appropriate area for this type of activity, then everything that goes into that zoning regulation would be allowed there. Unless it's a Special Use Permit that we put caveats in the resolution. **Wendell DeCross** asked Mr. Payette about his comment that this would be a classic example of spot zoning? **Lance Payette** answered that the surrounding properties are residential, RU-20, and this is the heaviest of all possible zoning classifications, with all the uses on there, on a speculative parcel of 38 acres; to me, it is inconsistent with the General Plan, without any good reason, and raises a lot of concerns. **Robert Ingels** made a motion for the Commission to recommend Denial of the rezoning to I-2 Industrial zoning on the stated parcel. **Bob Hall** seconded the motion. The Motion was then voted on to recommend to deny the Re-zoning to the Board of Supervisors and carried with a vote of 4 to 2, with **Joel Lawson**, and **Jason Hatch** voting against the denial.

Mr. DeCross recessed the meeting at 7:11 p.m. for a ten minute break.

The Planning and Zoning Commission meeting reconvened at 7:21p.m. **Wendell DeCross** addressed those wishing to comment on this matter and suggested if they would like to speak but someone else has already covered the point, please address other issues not covered so we don't have too much redundancy in the comments.

Item #3 – SPECIAL USE PERMIT: Discussion and possible Commission action on a request by The Church of Jesus Christ of Latter Day Saints (LDS Church), for a Special Use Permit to allow the construction of a church/family campground to provide camping for members of the LDS Church and invited guests on the subject 61.48 acre property known as APN: 207-24-001, in Township 12 North, Range 16 East, Section 36, of the Gila and Salt River Meridian, in the Heber-Overgaard area. This item was tabled by commission on September 18, 2008 due to a request for clarification of the ownership of the road Meadow

Lane. **Bill Fraley** reminded the group that this item was also tabled to allow the two sides to get together and discuss the issues, which they have done on a couple of occasions. Mr. Fraley feels this is something staff can recommend for approval, they have no objections. The Flood Control Staff has reviewed the Heber Youth Camp Master Site Plan, and has no objections to the Site Plan given compliance with the Master Site Plan notes and the Flood Control General Notes as shown on the Master Site Plan. The Planning & Zoning staff supports camps catering to youth and the related training and recreation it provides. We have reviewed the special use request and find it ready for processing. Access to property is by Special Use Permit issued by the Forest Service on March 1, 1989. It was determined that S. Meadow Lane is dedicated for public use. The LDS Church will use buses to get the campers to the site. The Fire department has reviewed the site plan and an approval letter was written. Navopache Electric will supply the power to the site. Gas will be provided by an onsite propane tank. Heber/Overgaard Fire Department Emergency Medical Services (EMS) have jurisdiction over that area and will provide services as necessary. There will be fire hydrants along with a turn for EMS and Fire equipment. Water supply will come from an onsite well with three ten thousand gallon tanks. The garbage service will be handled on a pack it in pack it out requirement. Staff concerns are garbage control and safety issues. The Forest Service feels that the SUP for one access coming in (pointed out on map) has satisfied their obligation to provide access to the property owner if the request is granted with the stipulations as listed.

Applicant/Developer: Colton Taylor is a resident of Navajo County, and the presiding architect, and engineer for the project. The Church of Jesus Christ of Latter Day Saints has camps in all areas of the state and because other camps are over crowded they want to make improvements to the Heber camp site. There are 58 stakes in Arizona that vie for time each summer and there is a need to have more places for activities to take place. They have worked with the home owners and are complying with all the rules enforced that other entities would not have to abide by and they want to make sure it is fair for everyone. This could also be used as an asset for a base camp, in the event that another fire could go through the area. Their engineer added, concerning the road, the applicants are prepared to install and construct the road to county standard width and design and also with paving so there would be dust control, if given authorization and accommodating moving the existing South Meadow Road as far as the Army Corp will allow, and providing exhibits and surveying concerning bank stabilization. Regarding the 476 maximum capacity spoken about with the Home Owners Association, and some of this group, they demographically could use nine buses to carry campers; and could carry as many as 60 per bus, if there were overhead racks for campers equipment; or accommodate about 50 campers at a time per bus including gear. They feel they are getting much closer to addressing all the engineering concerns. **Lance Payette**, acknowledged receipt of a letter dated November 17, 2008 from the Law Firm of Kirton & McConkie in Salt Lake City, Utah. The Navajo County Attorney's Office doesn't have any disagreement with the points made in the letter. The Religious Land Use Institutional Persons Act is protected under a Federal set of laws that require heavy justification of any burden placed on religious use of property. The church acquired the property before 1989, and has been there for a long time; that doesn't prevent you as Commissioners, from doing your job, there is a heightened level of court scrutiny regarding either denial of the proposed religious use, or conditions imposed on the proposed religious use. This puts this in different category than the typical Special Use Permit by Federal Law. If there were a denial or significant conditions imposed, the court would take a much, much closer look at that, than would be the case if it was a non religious use of the property. The points made in the letter are legitimate. The Commissioners acknowledged that they have all received copies of the letter. **Bill Fraley** also pointed out that staff has delivered numerous petitions and comments to each Commissioner.

In Favor: Gerald Foster, Chairman of Heber Youth Camp, **Valerie Houseman**, **Les Parham**, **Ludene Whipple**, **Bill Beecroft**, **Dr. Robert Anderson**, **Gena Nyman**, Stake Camp Director, and **Bob Greco** spoke to the Commission in favor of the project. Most are also residents in the Artist Draw Heber/Overgaard Community. The following comments represent the views expressed by those in favor of the project.

1. The camp is primarily for young women 12 to 17 years old, but there are rare occasions when scouting activities and other church groups may use the camp. Once the campers are on site, they are not allowed to leave the camping area, except for an emergency.
2. The campers are supervised at all times and their activities are well structured. This location has been in use for some time for camping activities, a precedent has been set. In the past they have grown crops and used it as a church welfare farm.
3. Nurses and doctors are on site in case of emergencies. In the years their camps have been in operation, they have never received a complaint of trespassing or noise from any of the neighboring property owners or had a serious injury.
4. Lights are out at 10:00 p.m. each night.
5. The campers are not allowed to bring cell phones, boom boxes, electronic games, or equipment of any kind, as this is a time to be in nature and get away from the stresses and burdens of daily life. They are encouraged to bring their scriptures and a journal to record their thoughts and activities for each day. They also participate in star gazing, singing, and uplifting talks.
6. The campers are taught to be self sufficient, to respect nature, to be environmentally responsible by cleaning up after themselves, and to focus on learning about the beautiful world in which we live.
7. As such they are introduced to biology, appropriate land use, personal responsibility, and service to others. These are basic values and practical opportunities for personal growth and development into good citizens. Each year the campers work on

humanitarian projects, such as quilt making and other useful items that can be given to those in need when a disaster strikes. Such as the quilts that were donated to survivors of Hurricane Katrina.

8. The girls are there to focus not only on having fun, but to focus on the wholesome spiritual values the church instills in each child, and they ask the Commission to not deny the youth the opportunities to grow and learn from nature.

9. The camp could be a deterrent to rogue ATV activities, and could be used as a base camp for Emergency Services in the area.

10. They have always been good neighbors and were helpful to see that the Artist Draw Community had access to their roads, and donated land for roads, as well as worked with the County to get the road declared a County Road and Paved. They also worked on the Artist Draw well site to get it into the Arizona Water Company. They put up with the speed and noise in the area as part of growth. They have always demonstrated their willingness to be good neighbors and citizens in the community and will continue to do so.

Ludene Whipple presented a petition from the area youth to add their signatures in support of a camp. He reiterated that they want to work with the Artist Draw Community and to be good neighbors.

Opposed: **Lee Burger**, President of the Buckskin Artist Community, and other Community Members; **Darrell Sheppard, Tom Lewis, Jerry Spendly, Mark Zimmerman, Ed Fields, Michael Connor, Irene Pine, Sue Conner, Lorie Allison, Duane Badger, Bess Johnson, Kelly Fletcher, Diane Dahlin, Charlotte Johanson, Marie Bauer, Margaret Dahlgren, and Ronald Eddy** spoke to the Commissioners. The following comments represent the views expressed by those opposed to the project.

1. Their quality of life would be affected by the number of buses and vehicles traveling on their roads on a daily basis.
2. Property Values would be adversely affected by the camp. They feel their property would not sell if there is a camp.
3. The Neighborhood noise would increase, and the peace and quiet of the neighborhood would be compromised.
4. The possibility of water pollution from the septic systems in the flood zone.
5. Traffic, Bus noise and excess speed were safety concerns through neighborhoods with children and pets.
6. Shrill high voices of young women that carry for miles.
7. The young women would be a magnet for pedophiles to the neighborhood.
8. The possibility of further fire and destruction in an area already ravaged by the Rodeo-Chediski Fire.
9. The wrong place to have a camp with over 400 people. They are not opposed to the camp, only the location.
10. The camp would disrupt the natural course of wildlife such as deer and elk in their neighborhood.
11. One road only for ingress and egress of traffic, and the fear of emergency evacuation problems.
12. Fencing would inhibit horse riding in and through the meadow to Forest Service land, and is not very friendly.
13. Not enough details were furnished by the applicant on the location of the camp and other planning details.
14. The feeling that they would lose all they have worked for in their neighborhood.
15. The need for more law enforcement protection, and emergency services in the area.
16. Concerned about sounds (from their private conversations) traveling over the miles to the neighbors, and vice versa.
17. Suggested a land swap with the forest service or an alternate route to the camp site.
18. Feeling that their needs have not been adequately addressed, or their questions answered.
19. Concerns that an "amphitheatre" would increase the noise level back to the neighborhood.
20. Postpone the decision and discuss what would work better for both sides.
21. Feels the Religious Land Use Institutional Persons Act is merely a "red herring".
22. Concerns that the wash will widen when it is flooded. Need information from the Army Corps of Engineers.
23. The present road to the property is inadequate and can't handle the additional traffic.
24. The camp location boundaries are unclear, and some neighboring properties are less than a half a mile away.
25. Feelings of being on the wrong side of the religious fence.

Lee Burger presented staff with the petitions he collected from neighbors on each side of the meadow opposing the new camp.

Staff Comments: **Homer Vela** Interim Director of Public Works attended one of the meetings and shared the information they talked about at a previous Commission meeting on the Special Use Permit. At the first meeting they had a right of way discussion, and we know for a fact there is a right of way. The Heber Youth Camp group has proposed to align the right of way, if the property owners can come to an agreement, and we think that is a good idea and a good proposal. If you were to approve this, hopefully that alignment will be changed. Mr. Vela put some of the traffic concerns into perspective, with the data collected. The proposed youth camp would increase traffic, as would any other development of that particular acreage. That is a given, the nature of camp, however, does limit the traffic the camp would get, to the days of the week you would see traffic, the times of that day, and also the number of trips that take place. The Traffic Counts for Artist Draw and Buckskin Road which date back to 2003, and a traffic count for Highway 260. Artist Draw had 331 average daily trips (or vehicles) which were recorded in 2003; Buckskin Road had 361 average trips. This was during the August time frame in 2003, and naturally you would see an increase in that traffic today. State Highway 260 south of SR 277 there were 7400 daily trips in 2006 as recorded by ADOT. When we compare that to the

proposed traffic for the Heber Youth Camp, whether it is 9 buses or 18 buses, we don't think it warrants a traffic study, and we have not proposed that a traffic study be done. What we are stipulating is that Meadow Road be improved to allow for buses to travel on the road. That would be a stipulation and it is the stipulation Mr. Bill Fraley proposed earlier. The Heber Youth Camp group is offering to make an improvement to that road. Regarding septic systems concerns heard earlier, current state laws that drive the ADEQ regulation (Arizona Department of Environmental Quality), as well as the Navajo County Floodplain Ordinance, allows septic systems in the floodplain, as long as they are outside of the floodway, and at least 50 feet away from a discernable water course bank. These are the requirements we impose on all others, and those are the same requirements we would impose on the Heber Youth Camp, if it is approved. We will make sure they meet those requirements at the time of septic permitting process. It is interesting to know that in the area of Buckskin, (a map was presented showing Buckskin Wash between Artist Draw, and SR260) there are 63 parcels in the floodplain, and 23 homes in the flood plain in that area. Many of those homes have septic, this is not a new thing and it is not something we can change today because we want to prohibit a particular party from putting a septic system in there. We will permit septic systems as long as they are outside of the floodway. Regarding the noise and light, generated by 400 plus campers, Mr. Vela showed a dimension to the closest parcel. Mr. Vela lives in Overgaard and he understands how noise can travel and he too can hear neighbors talk. In looking at the parcel map a dimension is given at 2,370 feet which is the closest parcel all other parcels are beyond that. That is a significant distance, and because of that distance, and things we have heard about the camp operation and the fact that the camp is surrounded by pine trees, we do not feel we can impose restrictions on noise and light. The community has a way to counter what would be considered a nuisance, there are laws that allow them to invoke a nuisance abatement process, and Navajo County, would help them with that if in fact there is a nuisance related to noise or light. In regard to comments on environmental studies, Navajo County is not authorized to require an environmental study. The Forest Service may require an environmental study; components may include a wildlife review, watershed study and a cultural study. However they only have the authority to do that on Forest Service property not on the Heber Youth Camp property. That would be a Forest Service decision. Any development, whether it is this camp, a planned subdivision, or worse, an unplanned development of this area via lot splits, will leave a footprint there. We think this is a negligible footprint compared to some of the other alternatives. Flooding concerns on the summer camp being in the flood plain. The wash actually traverses the property. All the structures and all the camp clusters are outside the floodplain. We have a Floodplain Ordinance that allows us to regulate within the 100 year flood plain. We don't have the right to regulate outside the 100 year flood plain, so therefore we are not regulating to that. We've asked them to make sure everything is outside of the floodplain, and we will continue to coach and counsel them on water flows etc. to make it as safe as possible. We are making sure they will be in full compliance with our Floodplain Ordinance. **Jerry Spindly** challenged Mr. Vela stating that he (Mr. Vela) said it wasn't practical to do a traffic study. What does he base that on, and who made him the authority on that, and why can't we, as citizens, request that a traffic analysis be done. **Wendell DeCross** advised Mr. Spindly that it would be up to staff. **Mr. Spindly** said that "staff tonight has certainly moved right in step." "He is really disappointed with how in step they are and that fact that this gentlemen, (Homero Vela) sort of put things in bad shape for us who have some disagreement with what he said, because there is no way to challenge him, and that I don't think is fair." **Lance Payette** said that is an engineering determination. It is up to staff to make that determination and based upon the projected flow of buses they can do their analysis without an impact study. **Mr. Spindly** suggested that we turn down the move tonight so they can hire the people they need to verify that this information is accurate. He feels there are some items that need to be re-discussed before we go any further. **Wendell DeCross** asked those present to keep in mind this is not the final decision on this. This Commission makes a recommendation to the Board of Supervisors. That doesn't mean they will do what we ask them to do, but when asked what percentage of recommendations are turned down by the Board Mr. DeCross did not know, but felt it was probably too many. **Mr. Spindly** said, all we can do is judge by what we hear and see, and we'd like the opportunity to do a little bit more homework to verify that the information staff is putting out, is in fact accurate. **Irene Pine** disputed that the forest is surrounded by pine trees, the area up to her property is dead, and there are no trees except burnt wood that is falling over that the Forest Service hasn't done anything about. So they have no protection (from noise or light) that they are talking about. It is not surrounded by live pine trees. The comment was made that there are pine trees on the property even though they may be burnt. **Lance Payette** clarified, that in relation to the application of the Federal Religious Land Use Laws, not only does the County Attorney's office consistently advise the Planning and Zoning Department in connection with other projects on those laws, before we convened tonight he specifically researched the application of those laws on church camps, in relation to religious use of property and clearly the laws do apply. Mr. Payette wanted the Commission to understand that it is a fairly heavy overlay on these entire proceedings. The other thing they do not want to lose sight of on a Special Use Permit, is to talk about the impacts that it may have on a community and to compare those impacts to the permitted uses in the current zoning for which no permit at all is required. Some of the other uses include mobile homes, subdivisions, farms, golf courses, hospitals and institutions of an educational, religious, charitable or philanthropic nature. In any event there are uses that the Commission may want to look at in regards to the concerns that have been raised.

Commissioners Questions & Comments: **Ruth Ann Smith** questioned the developer on technical issues and the road. Donald Perkins was asked about an email in reference to a bridge that may be put over the Buckskin Wash area as it is on Forest Service land if that is accurate information and will the Forest Service allow that, and to what it will entail. **Mr. Perkins** said he has not had any formal discussions with the Forest Service for a bridge over the wash. They are in preliminary discussions with the Forest

Service. **Ms. Smith** asked if that would fall under the auspices of the County Engineering even though that road crosses Forest Service land it would be an all weather crossing across the wash during monsoons when we have heavy runoff, we will be assured we can get emergency vehicles through there to get to the camp site as needed. **Mr. Perkins** answered that they will have to address that, and meet the engineering requirements that are set for them by the County. They would have to work with both Navajo County and the Forest Service with their requests. **Ms. Smith** also asked about the gate at the Forest Service boundary, if this moves forward and the camp does open up in the future, will it be used as a public ingress egress all the way to the private land of the camp, or will it be gated at the Forest Service boundary with only camp associated vehicles crossing. **Mr. Perkins** said the jury is still out on that right now, the Forest Service has that area under their Travel Management Plan, and they are looking into the possibility of leaving it the way it is to stay true to the Travel Management Plan which is non-motorized in that area. He was told to be aware that it would only be accessible for the campers and cattle grazers who own permits to go in there. The gate would stay intact, and would become a point of use. **Joel Lawson** asked Ms. Houseman to clarify when the campers would come in, and how long they would stay? **Ms. Houseman** answered that their camp stays are four days. They come in on a Monday, and leave before Saturday, there is nothing on the weekends. **Mr. Lawson** asked if they anticipated 18 buses going in and out every day, or every three or four days. **Ms. Houseman** answered no, that the only cars that went in, stayed there, they bring their own food, and they do not have a caterer coming in every day to bring in food; that was a misconception. There is the trip going in, and they stay there for the duration of the camp, unless there is an emergency. Their camps vary from three to four days. When asked if the buses stay at the camp, **Ludene Whipple** answered that there are several "stakes" (groups of church congregations from different areas) that will use the camp sites, and they decide how they want to schedule their camp days and their transportation needs. They could schedule a camp from four to seven days, and the coming and going could be random since there are three separate proposed camp sites. So three different stakes could be there and one could come for four days, and one could come for seven, it would depend on the scheduling. The arrival days could vary which would make for smaller numbers of people and could actually have only two to three buses at a time, so there would not be this big convoy coming at one time. They try to make sure there are not too many people at one time, or that the campers stay too long. **Robert Ingels** asked Mr. Whipple about his letter stating that they would do all they could on making road improvements. Since the County may require a specific width of paving and grades, along with concerns about pedestrians. The costs involved for that, and the willingness of the homeowners to realign Meadow Lane is something that could cost in the tens of thousands of dollars. There would be a substantial realignment as well as the amount of traffic, dust and safety along that road. He wanted to know specifically what they plan to do. **Colton Taylor** answered the question, and said the funds are in place and approved for this project, and if it is something that is required and something that will help the homeowners feel better about us going in there, they are prepared to pave the road up to whatever it costs. **Mr. Ingels** asked staff what the cost would be, **Homero Vela** answered that the \$200,000 they offered would be more than what would be required for that road. **Mr. Taylor** addressed a comment from the audience about the bridge that was mentioned, and responded that they will do whatever it takes to solve this problem of getting their campers in and out of the property safely. **Wendell DeCross** pointed out the Artist Draw Road on the map and asked about the location of the current road and the dedicated right of way for the road. **Mr. Taylor** pointed out where the existing road was on the map (in yellow), and the current right of way (in blue) which was dedicated when the plat was submitted in 1961. **Mr. DeCross** asked if they would have to move the road. **Mr. Taylor** said they would like to work with the homeowners to move it over to the side of the property where there is an existing road and a 50 foot ingress egress easement on the edge of the property. **Mr. DeCross** pointed out on the map where the right of way should be (as it was platted in 1961) and a home that probably wouldn't want the road moved to the platted location right in front of their house. **Mr. Taylor** explained, that is why they would like to move the road and have them abandon the right of way to keep the road away from their front porch. **Ruth Ann Smith** pointed out that the blue line is the recorded right of way but it is not being used. **Homero Vela** wanted to make it clear, that there is currently only one recorded easement, and that is the "blue" road on the map. We are hoping that all parties can come together and move that easement and extinguish the blue road and create an official easement that would allow the road to remain where it's at. The Church is willing to change the alignment if the property owners are willing to realign the roadway, which would be a good solution in the event that you approve this. **Joel Lawson** said that he can see there are a lot of people who are emotionally invested in this and their homes, and don't want to see this go on, but he thinks the Deputy County Attorney brought up a good point, and felt they would be equally opposed to a subdivision. (People in opposition to the project said they would take a subdivision over the camp.) **Mr. Lawson** asked staff what would be the possibility of the density. **Bill Fraley** answered that it would depend on the zoning requested and the type of project. The zoning is now A-General and it would be changed to whatever was proposed. **Mr. Lawson** commented that he understands that you don't want this, and you feel very strongly about this, but there are other uses that could be as detrimental to you and could cause you just as much noise pollution, traffic, or even more and he feels that because the church owns the property and in light of what the County Attorney has told us about some of the possible laws involved, that this is a good use of the land, and they do own the land. **Wendell DeCross** added that there are rules and regulations everyone has to abide by, no matter how strongly we feel for or against it, or whatever the case may be. Navajo County has a Code Enforcement Office that tells people what they can and can't do with their property, and sometimes that is not comfortable. That is why we have Planning and Zoning Commission, so that everybody can get along. That is why we have regulations; but they don't look into it unless a complaint is filed, then it can be addressed. Everyone has to abide

by the rules, and as the County Attorney pointed out, if there is noise, you have certain things you can do to stop that noise. **Ruth Ann Smith** wanted to expound on what Mr. Lawson said, and expressed her surprise that there would be no objection to a subdivision going in back there. One of the problems with the current regulations we have with subdivisions is not having two ingresses and egresses. With the property zoned the way it is right now at A-General you don't have to have two ingresses and egresses. Should the church decide at some point that they can't utilize the property the way they would like, they would have the option of selling it in five different parcels about 12 acres in size, and as those who have lived in this area for some time have seen, some parcels have turned into nice subdivisions, and in other cases a whole lot of parcels have been butchered up beyond repair. They are not attractive areas to live, they have infrastructure issues, they have road maintenance issues, and that is one of the possibilities out there for future development. If this was a vote tonight on whether to leave the property the same, or do something with it, it would be a real easy vote for her. But that is not a realistic option; that 60 acres is worth something to somebody, and at some point, if the church doesn't develop it, it will go to the highest bidder. She finds it hard to believe that you would think that it would stay at a one acre minimum, "trust me", if they did a subdivision, no developer is going to put the money into a subdivision and do the required infrastructure and the paving and fire hydrants and leave it as one acre minimum. They will butcher it into quarter acre parcels or less if they can. And that will severely impact the ingress and egress for the traffic going through there. Now you have lost control over whether it stays one acre minimums where there are fewer county controls put in place, you have no help with road access, no maintenance leverage to have people help with the roads, and now the Forest Service must open it up and allow access to that private land, so you have all the garage sellers, people looking for real estate property for sale, etc. You will have a lot more impact in and out of there everyday all day long, with three and four trips per family, not to mention the noise factor. Once you put in 50 homes the ongoing construction and trucks going in and out with trusses and construction materials and building costs, she was just surprised you would think that there would be less impact with a subdivision than for a church camp that is only going to be operating three or four months a year. She doesn't give any validity to the noise issue in there, she has been in there right at sunset, and first thing in the morning and has not heard traffic on Artist Draw Road, and feels the noise issue has been overrated. You can't put in a subdivision full of people and not have noise. **Jason Hatch** appreciates the comments from both sides and has tried to listen objectively and put himself in their shoes. Heber is beautiful and no doubt there are a lot of people who would like to have what you have. That is why you live there. And to not allow someone else the same opportunity is selfish in his mind. With that said, he feels that Homer Vela is an expert on our staff, for some of the issues brought up on septic tanks and floodways, noise and light, and the things that he brought up. Mr. Vela is not taking sides, but he is commenting on the laws and the way that are now, and he appreciates his comments. **Jason Hatch** then made a motion to approve the Special Use Permit with the noted conditions and recommendations one through six. **Bill Fraley** interjected that the Church has offered to construct the roadway to County standards and asked that he modify item number four, or allow staff to modify item number four in the conditions. **Mr. Hatch** amended his motion to include the modified verbiage on stipulation number four as stated by staff and listed below.

The Special Use Permit to allow the construction of a church/family campground with the following stipulations provided by the Public Works Department. *1. This Special Use Permit shall permit the development of a church camp and related facilities on the subject property in accordance with the plans and supporting statement submitted by the applicant. 2. The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan. 3. No building or structure may be occupied prior to complete compliance with all appropriate Public Works Department requirements, to include grading and drainage plans, flood control issues if necessary, and the issuance of building permits for the proposed structures. 4. The applicant shall make arrangements satisfactory to the County Engineer for the improvement of the access road to the subject property. The applicant shall construct the road to a standard as approved by the County Engineer. 5. Access to the Forest Service boundary may be via the existing South Meadow Lane right of way as dedicated to the public on that certain plat recorded in the Office of the Navajo County Recorder on October 19, 1960 in Book 6 of Plats, Page 2, or such alternative alignment as may be mutually agreeable to the applicant, the County Engineer and the adjacent property owners. If an alternative alignment is proposed, the applicant shall be responsible for completing all such steps and obtaining all such approvals as may be required to accomplish an exchange of the existing South Meadow Lane right of way for the new alignment. 6. The Special Use Permit shall run with the land.* **Joel Lawson** seconded the motion. The motion to approve the Special Use Permit passed unanimously with a vote of 6 to 0.

Item #4 – Proposed Planning & Zoning Meeting Schedule 2009. A motion to approve the Planning & Zoning Meeting Schedule for 2009 was made by **Joel Lawson**. **Jason Hatch** seconded the motion. The Meeting Schedule for 2009 was unanimously approved.

Item #5 – Possible approval of the September 18, 2008 Minutes. **Bob Hall** made a Motion to approve the September 18, 2008 minutes. **Robert Ingels**, Seconded the motion. The Minutes were unanimously approved.

Item #6 – Commissioners Comments and directions to staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Development Services Department staff to study or provide additional information on topics of the Commissions’ choosing. The Commissioners acknowledged that this would be Robert Ingels last meeting and they all expressed their appreciation for his dedication and service to the Commission and for his knowledge, insight and point of view. He will be sorely missed by all. **Robert Ingels** said he was notified in November that his term would expire, and that at the Board of Supervisors meeting, his District Supervisor, Mr. Brownlow, appointed Bill Rawlings to take his seat because of his active participation as a Pinetop-Lakeside Planning and Zoning Commissioner. **Mr. Ingels** looks forward to continuing in those duties and has enjoyed his time on the Commission and will miss the associations with the Commissioners and staff, but he will look forward to attending meetings as a citizen. **Jason Hatch** voiced his appreciation for the staff and the hard work they do to get these meetings done every month. **Ruth Ann Smith** thanked Homero Vela for the incredibly helpful information he gave to the Commissioners, **Joel Lawson** agreed and said he appreciated the explanations given of what you were allowed to do, and what was not allowed, and felt the attacks on Mr. Vela were unjustified. **Wendell DeCross** added his thanks to staff for all the work they have done, especially on this hearing, he agreed that Mr. Vela’s comments were apropos, and expressed his sincere gratitude.

With there being no further business to come before the Planning and Zoning Commission, a motion was made to adjourn the meeting by **Robert Ingels**, and was seconded by **Jason Hatch**. The motion carried and the meeting was adjourned at 9:23 p.m.

Approved this 15th day of January, 2009

Wendell DeCross

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Peggy Saunders

Peggy Saunders, Senior Secretary
Navajo County Public Works
Planning & Zoning Department